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ESTABLISHING THE MANZANAR NATIONAL HISTORIC SITE IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES

NOVEMBER 23 (legislative day, NOVEMBER 20), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 543]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 543) to establish the Manzanar National Historic Site in the State of California, and for other purposes, having considered the same reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. Strike title I in its entirety and insert in lieu thereof the following:

TITLE I—MANZANAR NATIONAL HISTORIC SITE

SECTION 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to provide for the protection and interpretation of the historical, cultural, and natural resources associated with the relocation of Japanese-Americans during World War II, there is hereby established the Manzanar National Historic site in the State of California.

(b) AREA INCLUDED.—The site shall consist of approximately 500 acres of land as generally depicted on a map entitled "Map 3—Alternative Plans—Manzanar Internment Camp" numbered 80,002 and dated February 1989. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the site boundaries.

S313-50

SEC. 102. DEFINITIONS.

As used in this title, the term—

(1) "Advisory Commission" means the Manzanar National Historic Site Advisory Committee established pursuant to section 105 of this title;

(2) "city" means the City of Los Angeles;

(3) "Secretary" means the Secretary of the Interior; and

(4) "site" means the Manzanar National Historic Site establish pursuant to section 101 of this title.

SEC. 103. ACQUISITION OF LAND.

(a) IN GENERAL.—(1) Subject to the limitations set forth in paragraphs (2) and (3) of this subsection, the Secretary is authorized to acquire lands or interests therein within the boundaries of the site by donation, purchase with donated or appropriated funds, or by exchange.

(2) Lands or interests therein located within the boundaries of the site which are owned by the State of California, or a political subdivision thereof, may be acquired only by donation or exchange.

(3) The Secretary shall not acquire lands or interests therein located within the boundaries of the site which are owned by the city of Los Angeles until such time as the Secretary has entered into an agreement with the city to provide water sufficient to fulfill the purposes of the site.

(b) MAINTENANCE FACILITY.—The Secretary is authorized to contribute up to $1,100,000 in cash or services for the relocation or construction of a maintenance facility for Inyo County, California.

SEC. 104. ADMINISTRATION OF SITE.

(a) IN GENERAL.—(1) The Secretary shall administer the site in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-67).

(2) Nothing in this title shall create, expand, or diminish any authority of the Secretary over lands or activities of the city of Los Angeles outside the boundaries of the site.

(b) DONATIONS.—The Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing such services and facilities as the Secretary deems consistent with the purposes of this title.

(c) GENERAL MANAGEMENT PLAN.—Within 3 years after the date funds are made available for this subsection, the Secretary shall, in consultation with the Advisory Commission, prepare a general management plan for the site. Such plan shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(d) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with—

(1) public and private entities for management and interpretive programs within the site; and

(2) the State of California, or a political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(e) WATER.—Except as provided in section 103(a)(3) of this title, nothing in this title shall affect the water rights of the city of Los Angeles.

(f) TRANSPORT OF LIVESTOCK.—Any person who holds a permit from the Department of Water and Power of the City of Los Angeles to graze livestock on city-owned lands contiguous with the site may move such livestock across those Federal lands administered by the Bureau of Land Management which are located contiguous with the site, for the purpose of transporting such livestock from one city-owned parcel to the other.

SEC. 105. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established an 11-member advisory commission to be known as the Manzanar National Historic Site Advisory Commission. The members of the Advisory Commission shall be appointed by the Secretary, and shall include former internees of the Manzanar relocation camp, local residents, representatives of Native American groups, and members of the general public.

(b) TERMS.—Members of the Advisory Commission shall serve for a term of 2 years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his or her term, until such time as a successor is appointed.

(c) CHAIRMAN.—The members of the Advisory Commission shall designate one of the members as Chairman.

(d) CONSULTATION.—The Secretary, or the Secretary's designee, shall from time to time, but at least semi-annually, meet and consult with the Advisory Commission with respect to the development, management, and interpretation of the site, including the preparation of a general management plan as required by section 104(c) of this title.

(e) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings shall be published in local newspapers. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(f) EXPENSES.—Members of the Advisory Commission shall serve without compensation, but while engaged in official business shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(g) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (86 Stat. 776) are hereby waived with respect to the Advisory Commission.

(h) TERMINATION.—The Advisory Commission shall terminate 10 years after the date of enactment of this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

2. On page 7, line 5, strike "of enactment" and insert in lieu thereof, "funds are made available for".

3. On page 7, strike line 20 in its entirety and insert in lieu thereof, "(1) Internment and temporary".

4. On page 9, strike the last sentence in section 203 and insert in lieu thereof, "In preparing the study, if the Secretary determines that it is necessary to have access to Indian lands, the Secretary shall request permission from the appropriate tribe."

PURPOSE OF THE MEASURE

The purpose of H.R. 543, as ordered reported, is to establish the Manzanar National Historic Site in the State of California and to direct the Secretary of the Interior to conduct a National Historic Landmark theme study on Japanese American history.

BACKGROUND AND NEED

In 1942, President Roosevelt signed Executive Order No. 9066 which authorized the Secretary of War to exclude citizens and aliens from designated areas in order to provide security against espionage and sabotage. As a result of this Executive order, approximately 110,000 persons of Japanese descent, most of whom were American citizens, where forcibly removed from their homes in Hawaii, Alaska, and the west coast States to relocation camps in remote areas of California, Arizona, Colorado, Utah, Wyoming, Idaho, and Arkansas.

The Manzanar War Relocation Center, located in the Owens Valley of California at the base of the Sierra Nevadas, was the first of these camps. The entire camp area encompassed approximately 6,000 acres, with a living area of approximately 500 acres. The camp consisted of 36 blocks, each containing 16 wooden barracks, and was surrounded by barbed wire fences and guard towers. At full operation, Manzanar confined approximately 10,000 people.

Most of the camp's buildings and structures were removed when Manzanar was closed in 1945. One major structure that is still intact is the large wood frame camp auditorium. Also remaning are the foundations from a few of the buildings and Japanese gardens and trees planted by the internees. The entire site is now owned by the Los Angeles Department of Water and Power. Manzanar was designated as a National Historical Landmark in 1985.

LEGISLATIVE HISTORY

H.R. 543 passed the House of Representatives by a voice vote on June 24, 1911. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 543 on July 25, 1991. Compan-

ion legislation establishing the Manzanar National Historic Site, S. 621, sponsored by Senators Cranston, Seymour and Akaka, was introduced on March 12, 1991. S. 1344, the companion legislation to title II of HR. 543, was introduced by Senators Akaka, Cranston and Adams on June 20, 1991.

At the business meeting on November 20, 1991, the Committee on Energy and Natural Resources ordered H.R. 543, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on November 20, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 543, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman[1]	
Mr. Wirth	
Mr. Conrad[1]	
Mr. Akaka[1]	
Mr. Fowler[1]	
Mr. Shelby[1]	
Mr. Wellstone	
Mr. Wallop	
Mr. Hatfield[1]	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour	
Mr. Garn	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of H.R. 543, the Committee adopted an amendment in the nature of a substitute to title I, and three clarifying amendments to title II. The amendments are explained in detail in the Section-by-Section Analysis, below.

SECTION-BY-SECTION ANALYSIS

Title I—Manzanar National Historic Site

Section 101(a) establishes the Manzanar National Historic Site in California in order to provide for the protection and interpretation of the historical, cultural, and natural resources associated with the relocation of Japanese Americans during World War II.

Subsection (b) provides that the site shall consist of approximately 500 acres of land as generally depicted on the referenced map.

Section 102 defines certain terms used in the Act.

Subsection 103(a) authorizes the Secretary of the Interior (the "Secretary") to acquire lands and interests therein within the boundaries of the site by donation, purchase with donated or appropriated funds, or by exchange. Lands or interests therein owned by the State of California or a political subdivision thereof may be acquired only by donation or exchange. Finally, the subsection provides that the Secretary shall not acquire lands located within the boundaries of the site owned by the city of Los Angeles until such time as the Secretary has entered into an agreement with the city to provide water sufficient to fulfill the purposes of the site. The Committee notes that currently all of the lands within the site are owned by the city of Los Angeles.

Subsection (b) authorizes the Secretary to contribute up to $1.1 million in cash or services for the relocation or construction of a maintenance facility for Inyo County, California.

Subsection 104(a) directs the Secretary to administer the site in accordance with this title and provisions of law generally applicable to units of the National Park System. Paragraph (2) states that nothing in this title shall create, expand, or diminish any authority of the Secretary over lands or activities of the city of Los Angeles outside the boundaries of the site.

Subsection (b) authorizes the Secretary to accept and expend donations of funds, property or services for the purpose of providing such services and facilities as the Secretary deems consistent with the purposes of this title.

Subsection (c) requires the Secretary, within 3 years after the date funds are made available, to prepare a general management plan for the site. The plan is to be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

Subsection (d) authorizes the Secretary to enter into cooperative agreements with public and private entities for management and interpretive services and with the State of California or a political subdivision thereof for rescue, firefighting and law enforcement services.

Subsection (e) provides that, except with respect to the agreement referred to in paragraph 103(a)(3), nothing in this title shall affect the water rights of the city of Los Angeles.

Subsection (f) allows the holder of a permit from the Los Angeles Department of Water and Power to graze livestock on city lands, to transport such livestock across BLM administered lands located contiguous to the site.

Section 105 establishes an 11-member Manzanar National Historic Site Advisory Commission, to consult with the Secretary on the development, management and interpretation of the site. Subsections (b) through (h) set forth the details for the operation of the Commission.

Section 106 authorizes the appropriation of such sums as may be necessary to carry out this title.

Title II—Japanese American History Theme Study

Section 201 entitles title II the "Japanese American National Historic Landmark Theme Study Act."

Subsection 202(a) directs the Secretary of the Interior (the "Secretary") to prepare a National Historic Landmark Theme Study on Japanese American history. The study, which is to be completed within 2 years after the date funds are made available for the study, is to identify the key sites in Japanese American history that illustrate the period in American history when Japanese Americans were denied personal justice. The subsection lists several sites the Secretary is to study to determine their suitability for designation as National Historic Landmarks. The sites to be reviewed include the War Relocation Centers, temporary detention camps, military training camps for Japanese Americans, evacuation locations, and Immigration and Naturalization camps.

Subsection (b) directs the Secretary, on the basis of the theme study, to identify possible new national historic landmarks appropriate to this theme.

Section 203 provides that the Secretary shall consult with Japanese American citizens groups, scholars of Japanese American history, and historic preservationists in carrying out the study. The section also provides that if the Secretary determines access to Indian lands is necessary in carrying out the study, the Secretary shall request permission from the appropriate tribe.

Section 204 authorizes the Secretary to enter into cooperative agreements with one or more Japanese American citizens organizations knowledgeable of Japanese American history to prepare the theme study and to ensure that the theme study meets current scholarly standards.

Section 205 authorizes the appropriation of such sums as are necessary to carry out this title.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 543. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 543, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 12, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 543. These reports had not been received at the time the report on H.R. 543 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate this opportunity to provide your Subcommittee with the views of the Department of the Interior on bills to establish Manzanar National Historic Site, S. 621, and H.R. 543, enacted in the House of Representatives on June 24, 1991, and as well bills to require a landmark theme study on Japanese-American History, S. 1344 and Title II of H.R. 543.

In regard to the proposed Manzanar National Historic Site, we recommend the enactment of Title I of H.R. 543, which has incorporated a number of amendments in response to our testimony provided May 21, 1991, in the House of Representatives.

In regard to the Japanese-American Theme study proposals, we oppose enactment of S. 1344 and Title II of H.R. 543, as unnecessary and too narrowly drawn.

S. 621 and H.R. 543 would establish a 500-acre Manzanar National Historic Site at the former Manzanar War Relocation Center established in 1942. The historic site would be administered by the Secretary of the Interior as a unit of the National Park System. the bills also authorize acquisition of land and improvements within the historic site, and they establish an advisory commission to be appointed by the Secretary.

The purpose of S. 621 and H.R. 543 is to provide for the protection and interpretation of resources associated with the relocation of Japanese-Americans during World War II by the War Relocation Authority pursuant to our Study found that, of the ten relocation camps, Manzanar retains the most integrity and it offers the best opportunity for interpretation of the World War II relocation program. It was designated a national historic landmark in 1985. H.R. 543 would implement one of the alternatives for preservation and interpretation identified in the 1989 study—a 500-acre historic site, comprising the former camp and cemetery.

Mr. Chairman, we intend only minimal development at this national historic site, and we would instruct our planners accordingly. There will be no reconstruction, in whole or in part, of the fencing, guard tower, or barracks, and no attempt to recreate the historic scene. Operation and

maintenance will also be minimal, since visitation is expected to be low.

The site is owned by the Los Angeles Department of Water and Power. The former camp auditorium building occupies Department of Water and Power land, but the building is owned by Inyo County. We would expect to negotiate acquisition of interests in the land from the Department of Water and Power. Fee simple title would not be necessary throughout the entire site, but adequate water is absolutely necessary for public use of the area as a national historic site. Fee simple acquisition would cost an estimated $1,000,000; however, since establishment of the Land and Water Conservation Fund in 1965, the Congress has consistently prohibited the use of fund monies to acquire publicly owned land for Federal park purposes. We would propose, therefore, to negotiate with the Department of Water and Power cooperative use agreements, donations, or exchanges for interests in land necessary to carry out the purposes of this legislation We would expect to pay for relocation of Inyo County's maintenance operation, but out of funds appropriated for development of the site. Further, we would expect to contract with the Department of Water and Power for delivery of the necessary water, but this cost would be part of our criteria; accordingly, it was designated as a national historic landmark in 1985. S. 1344 would direct us to expand that earlier study to include other specific sites that played a role in the treatment of Japanese-Americans during 1941–1946

We believe that establishing the Manzanar National Historic Site would provide an excellent basis on which to interpret the treatment of Japanese-Americans during 1941–1946. Manzanar is of much greater significance, in our view, than the specific sites that would be examined under S. 1344. The temporary camps no longer exist, and we believe other facilities, such as military camps where the Japanese-American combat units trained, are locally important but would not support National Historic Landmark status.

In addition, we strongly oppose the narrow focus of the bill. We believe it would be unwise to enact special legislation mandating theme studies for particular ethic groups represented in the population of the United States, rather than addressing them through the normal planning process. We currently are undertaking an Ethnic Theme Study, which should be completed within the year. This study will address Japanese-American history.

This concludes my prepared testimony, Mr. Chairman, I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 543, ordered reported.

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